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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,465	02/04/2004	Kenji Ogasawara	325772034000	1347
7590 10/08/2008				
Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Boulevard, Suite 300 McLean, VA 22102			EXAMINER MILLA, MARK R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/770,465

Applicant(s)

OGASAWARA, KENJI

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/2/08 and has been entered and made of record. Currently, claims 1-15 are pending.

Claim Rejections - 35 USC § 101

2. Applicant's amendment to claims 11-15 has overcome the rejection set forth in the previous Office Action. Therefore the rejection has been withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 6, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murahashi (US 5,864,652).

Regarding claims 1, 6, and 11, Murahashi discloses an image processing device, method, and program comprising: a processor comprising a processing unit and a compression unit, both of which are software procedures executed by the processor (see Figs. 1 **14** and column 3 line 55-column 4 line 10 and column 6 lines 5-15), a judging unit for judging whether operating status of said processing unit satisfies a predetermined compression process execution condition or not (see column 5 lines 6-43 and column 6 lines 4-15), and wherein the processing unit is configured to process image data and the compression unit is configured to compress image data processed by said processing unit when said judging unit judges that operating status of said processing unit satisfies said compression process execution condition (see column 4 lines 17-32 and column 6 lines 24-64).

Murahashi does not disclose expressly a single processor that comprises a processing unit and a compression unit.

However, Murahashi discloses that microcomputer system **14** contains a **CPU1** for compression and storage of data and **CPU2** for processing image data. Therefore the processing unit and compression unit are contained within a single microcomputer which is analogous to the claimed limitation as it serves the same purpose and function. Further, the newly added limitations fail to render the instant invention patentably distinct over the prior art (Murahashi), as it is merely a case of making integral, and at

the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the **CPU1** and **CPU2** into a single processor because it would be more cost efficient to manufacture and reduce the amount of space need for the processing to be performed. See *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Regarding claims 2, 7, and 12, Murahashi further discloses wherein said judging unit judges that operating status of said processing unit satisfies a predetermined compression process execution condition when no processing is being executed by said processing unit, or when executing the compression process by means of said compression unit simultaneously while a portion of the process is being executed by means of said processing unit does not meaningfully reduces the processing speed by said processing unit (see column 2 line 51-column 3 line 17).

Regarding claims 3, 8, and 13, Murahashi further discloses a memory unit for storing image data compressed by said compression unit (see Fig. 1 and column 7 lines 6-18), and an expansion unit for expanding image data stored in said memory unit when reprocessing image data by means of said processing unit (see column 7 lines 19-61 and column 8 lines 10-16), wherein said processing unit reprocesses the image data expanded by said expansion unit (see column 7 lines 19-61).

Regarding claims 4, 9, and 14, Murahashi further discloses a spooling unit for spooling image data (see column 9 lines 28-33), a rasterizing unit for rasterizing image data spooled by said spooling unit (see column 9 lines 33-36), and an image forming

unit for image-forming the image data rasterized by said rasterizing unit (see column 9 lines 40-66).

Regarding claims 5, 10 , and 15, Murahashi further discloses a spooling unit for spooling image data (see column 9 lines 28-33), a rasterizing unit for rasterizing image data spooled by said spooling unit (see column 9 lines 33-36), and a transmitting unit for transmitting the image data rasterized by said rasterizing unit (see column 9 lines 40-66).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

/Mark R. Milia/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625